

Application No. 09/207,748  
Docket No. 29250-000667/US

### **REMARKS**

Claims 1-8 are in the present application. The amendments have been made for reasons of clarity and not to define over the art of record, as features in claim 1 already define over the art of record. Reconsideration in view of the following remarks is kindly requested.

#### **Claim Rejections -- 35 U.S.C. § 103**

Claims 1-4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844 B1) in view of Groe (U.S. Patent No. 6,163,708). This rejection is respectfully traversed.

#### **Claim 1 recites:**

1. A method for communicating power control information for at least two communication channels, comprising the steps of:  
transmitting power control information for a first forward channel during a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments; and  
transmitting power control information for a second forward channel during a corresponding portion of a second segment of the pilot channel, the second segment being one of the plurality of repeating segments,  
the power control information for the first forward channel being different then the power control information for the second forward channel.

Applicants submit that Tsunchara et al. is deficient in at least the following respects regarding claim 1.

#### **A. Tsunchara's pilot channel is not described as being segmented.**

Referring to Tsunchara et al., the only mention of a pilot channel is with respect to Fig. 2, which indicates the fact that there is some pilot channel 8 of undetermined dimensions, and in the discussion on column 6, lines 17-33, where a pilot channel is output from an acquisition/spread circuit 150. Nowhere is there disclosed transmitting power control information for first forward channel within a portion of a first segment of the pilot channel, as recited in claim 1.

#### **B. Block 110a is not a first segment of a pilot channel**

Contrary to the Examiner's position, block 110a is not a first segment of a pilot channel. The Examiner is directed to the passage supporting Fig. 7 in Tsunchara et al., upon which he relies. As described in column 5, lines 40-47, what is actually shown in Fig. 7 is the insertion of a common

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transmission power control signal (constituted by transmission power control signals 111a-n on traffic channels 1 to n) into (or in between) answer packets 110a, b., etc. that are transmitted on an answer channel to the mobile terminal. Thus, block 110a is an answer packet and is transmitted on an answer channel. An answer channel is not a pilot channel.

**C. Block 111b is not a second segment of the pilot channel.**

Portions 111 in Fig. 7 (i.e., the transmission power control signal 111b, etc.) do not represent a portion of a second segment of a pilot channel, since these are signals that are transmitted on traffic channels, as described by Tsunchara et al.

Accordingly, for reasons A-C alone, the claims are submitted to be allowable, as Groe is cited only for an alleged teaching of "power control information for the first forward channel being different then the power control information for the second forward channel". Groe does not make up for the deficiencies that are evident in Tsunchara et al. For at least these reasons, Applicants submit that independent claim 1, and claims 2-4 dependent thereon, define over Tsunchara et al. and Groe.

Even if Tsunchara arguably taught of a pilot channel that had different first and second repeating segments to carry power control information for different channels, which Applicants submit it could not, one would not be motivated to combine Groe with Tsunchara. Groe is directed to a method and apparatus for controlling gain level of an amplifier, not for communicating power control information to at least two communication channels. The passage relied on by the Examiner in column 3 of Groe illustrates the format of a downlink traffic channel, not a pilot channel. For at least this additional reason, Applicants submit that independent claim 1, and claims 2-4 dependent thereon, define over Tsunchara et al. and Groe.

Various features in the other dependent claims make the distinctions over the combination even more apparent. For example, the method of the present invention takes priority of the different channels into account when transmitting power control information; a channel with high priority has more power control transmissions than a lower priority channel, as recited in claim 4. This is not even remotely suggested in Tsunchara et al., yet the Examiner makes an "inherency" argument in a 103 rejection to suggest that such is inherent. This is clearly improper and against the vast body of case law. Accordingly, claim 4 is allowable for these additional reasons.

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Claims 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tsunchara et al. (U.S. Patent No. 6,307,844 B1) in view of Ghosh, (U.S. Patent No. 5,991,285). This rejection is respectfully traversed.

Applicants request clarification that Ghosh modifies both Tsunchara et al. and Ali et al., and not solely Tsunchara et al., else the rejection fails for at least the reason that the references, as combined, do not teach all elements of the claims. It appears that the Examiner merely re-copied the rejection from the last Office Action, which in itself was improper as it failed to comport with the requirements of 35 U.S.C. § 103. Nevertheless, Applicants respond addressing each of Tsunchara et al., Groe and Ghosh.

The Examiner cites Ghosh for the teaching of various channels. However, Ghosh does not overcome the deficiencies in Tsunchara et al. or Groe, since Ghosh does not teach or suggest of a method for communicating power control information comprising at least the step of "transmitting power control information for a first forward channel within a portion of a first segment of a pilot channel, the first segment being one of a plurality of repeating segments", as recited in independent claim 1. For at least these reasons, Applicants submit that claims 5-8 are allowable.

#### Past Interview

Moreover, and with regard to all pending claims, in an interview conducted with the Examiner on December 13, 2002, which is part of the record file, Applicants' representative presented the Examiner with the present claim 1 so as to further define the first and second channels as first and second forward channels, where power control information was transmitted to each of the first and second forward channels over first and second segments of a pilot channel, the power control information being different for each of the first and second forward channels.

The RCE with preliminary amendment was filed because the Examiner was receptive to the amendment, as indicated in the record, since the primary reference (Tsunchara et al. '844) did not appear to teach these features. Accordingly, Applicants are unclear as to how or why the Examiner now shifts position as to what he is alleging is taught in Tsunchara et al., without providing any further evidentiary support. Accordingly, should the Examiner maintain his position and not withdraw the rejections, Applicants kindly request a personal interview with the Examiner and his supervisor, at the convenience of both Examiners.

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### CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the number below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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